

## REMARKS

The examiner has rejected claims 94-97 and 99 as obvious in light of Japanese patent JP 11164630A to Maeda in view of U.S. Patent No. 4,488,508 to Heideman. An English translation of the Maeda patent is submitted herewith.

The Maeda patent is distinguishable from the present invention because what provides the buoyancy is a lattice-like framework comprised of hollow pipes. In the present invention, on the other hand, buoyancy is maintained through the use of buoyant growth medium, inflatable bladders, and a self-compensating buoyancy system. (See specification, page 10, first paragraph under "Detailed Description of Invention.")

As described in Maeda, reference number 4 (which the examiner likens to the top and bottom mesh of the present invention) is "an enrooting layered body made of a linear porous synthetic resin made as a unitary body by heating, melting and extruding a thermoplastic synthetic resin from a nozzle thereby forming a linear body of an appropriate thickness, by curling and stacking or layering it, by fusing and forming the linear contact points mutually in such a manner that it may have a pre-determined thickness and linear density." This enrooting layer is then "folded in a wave form in the lateral side configuration" and "allowed to entwine around the peripheral frame...and lattice frames...." See Maeda, paragraph 0012. This wave configuration is shown in Figure 2, and it is a necessary feature of the Maeda invention because without it, the enrooting layer would not float (*i.e.*, it has to be wrapped around the buoyant pipes).

Reference number 5 in Maeda (which the examiner likens to the buoyant growth medium of the present invention) represents optional seedling support members. These seedling support members are made of a natural bog moss or a synthetic fiber resin

entwining body that is packed and supported in the gaps of the enrooting layered body 4.

Furthermore, the seedling support members 5 are of a higher density than the enrooting layered body 4, and plant seeds or seedlings are maintained in gaps in the enrooting layered body 4 “at such a density to prevent [the seeds or seedlings] from coming off.”

See Maeda, paragraph 0013. Thus, the purpose of the seedling support members 5 is to prevent the seeds or seedlings from coming out (*see also* Figure 2). Nothing in Maeda describes the seedling support members 5 as buoyant; in fact, the structure of Maeda would not float without the framework of hollow pipes.

Heideman describes air diffusers that are suspended from members floating on the water surface. The inventors of the present invention do not claim to have invented a source of compressed air; rather, the present invention involves the use of a source of compressed air in connection with flotation units that comprise buoyant growth medium, top mesh, bottom mesh, and an inflatable bladder. This embodiment is described in the specification on pages 11-13 and shown in Figures 1-4.

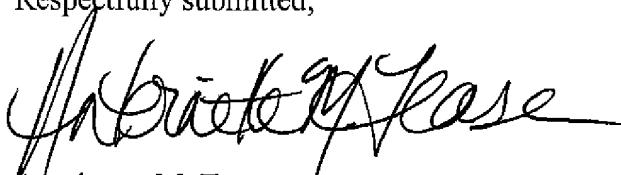
Claim 94 has been amended to make it clear that the floating habitat comprises one or more flotation units and that each flotation unit comprises an inflatable bladder, bottom mesh, top mesh, buoyant growth medium, and a relief valve. Claim 94 has been further amended to state that the buoyant growth medium is contained by the bottom and top mesh (*see* page 12, lines 14-17) and that the relief valve opens when the air pressure inside the inflatable bladder exceeds the opening pressure of the relief valve. When the relief valve opens, excess air is dispersed in the form of small air bubbles through a diffusing manifold. In an alternate embodiment (*see* claim 95, as amended), the diffusing manifold is positioned underneath the flotation unit by an extension tube, thereby

allowing the air bubbles to be released into the body of water in which the floating habitat is situated. The sparging of air bubbles under, around and through the floating habitat in the manner described in claims 94 and 95, as amended, minimizes ice damage to the floating habitat and enhances plant growth by extending the open water season around the floating habitat, as claimed in amended claim 96.

Claims 97 and 99 have been amended so that they relate back to claim 94 only. The applicant respectfully submits that claims 94-96, 97 and 99 are in a condition for allowance given that the prior art cited by the examiner has been distinguished and the claims at issue have been amended.

\* \* \*

Respectfully submitted,



Antoinette M. Tease  
ANTOINETTE M. TEASE, P.L.L.C.  
Attorney for Applicant  
PO Box 51016  
Billings, MT 59105  
(406) 245-5254  
Registration No. 53860

**Certificate of Filing:** I certify that on the date below this document and referenced attachments, if any, were filed with the U.S. Patent and Trademark Office using the EFS-Web filing system.

  
\_\_\_\_\_  
Antoinette M. Tease  
February 2, 2009